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FILED
CLERK, U.S. DISTRICT COURT

APR 17 2015

CENTRAL DISTRICT OF CALIFORNIA

BY: vdr DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTIANA TRUST, A Division of
Wilmington Savings Fund Society,
FSB, Not in its Individual Capacity but
as Trustee of ARLP Trust 3,

Plaintiff,

v.

VIC A. MARTINEZ and DOES 1
through 5, Inclusive,

Defendant.

No. CV 15-2489 FMO (FFMx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

The Court will remand this action to state court summarily because defendant removed it improperly.

On April 3, 2015, defendant Vic A. Martinez, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15-F01197), filed a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*.

The Court has denied the *in forma pauperis* application under separate cover because the Court lacks jurisdiction over the action. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, as the Court previously determined, plaintiff's unlawful detainer
2 action does not raise any federal legal question, and defendant's anticipated federal law
3 defenses cannot confer federal question jurisdiction. *See* 28 U.S.C. § 1331, 1441(a); *see*
4 *also Vaden v. Discover Bank*, 556 U.S. 49, 60-61, 129 S. Ct. 1262, 173 L. Ed. 2d 206
5 (2009). Furthermore, even if complete diversity of citizenship existed, the amount in
6 controversy does not exceed the diversity jurisdiction threshold of \$75,000. *See* 28
7 U.S.C. §§ 1332, 1441(b). On the contrary, the Complaint recites that the amount in
8 controversy does not exceed \$10,000. Therefore, removal was improper. *See* 28 U.S.C. §
9 1441(a)-(b).

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
11 Court of California, County of Los Angeles, Governor Deukmejian Courthouse, 275
12 Magnolia Avenue, Long Beach, California 90802, for lack of subject matter jurisdiction
13 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
14 the state court; and (3) that the Clerk serve copies of this Order on the parties.

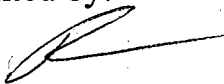
15 IT IS SO ORDERED.

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17 DATED: April 17, 2015

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19 /s/

20 FERNANDO M. OLGUIN
21 United States District Judge

22 Presented by:

23 

24 /S/ FREDERICK F. MUMM
25 FREDERICK F. MUMM
26 United States Magistrate Judge
27
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